

Article - Health - General

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§2-505.

(a) A person is not civilly liable for:

- (1) Making a report in good faith of fraud, waste, or abuse; or
- (2) Participating in any investigation related to fraud, waste, or abuse.

(b) (1) This subsection does not apply to an employee as defined in § 1-501(c) of the Health Occupations Article or a State employee.

(2) A provider may not take a retaliatory action against an employee because the employee:

(i) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of the provider that the employee reasonably believes is in violation of this subtitle or a regulation adopted under this subtitle;

(ii) Provides information to, or testifies before, a public body conducting an investigation, hearing, or inquiry into a suspected violation by the provider under this subtitle or a regulation adopted under this subtitle; or

(iii) Objects to or refuses to participate in any activity, policy, or practice that the employee reasonably believes is in violation of this subtitle or regulations adopted under this subtitle.

(3) Any employee who is subject to an action in violation of paragraph (2) of this subsection may institute a civil action in the county where:

(i) The alleged violation occurred;

(ii) The employee resides; or

(iii) The provider maintains its principal office in the State.

(4) The action shall be brought within 1 year after the alleged violation of paragraph (2) of this subsection or within 1 year after the employee first became aware of the alleged violation of paragraph (1) of this subsection.

(5) In any action brought under this subsection, a court may:

(i) Issue an injunction to restrain continued violation of this subsection;

(ii) Reinstate the employee to the same or an equivalent position held before the violation of paragraph (2) of this subsection;

(iii) Remove any adverse personnel record entries based on or related to the violation of paragraph (2) of this subsection;

(iv) Reinstate full fringe benefits and seniority rights;

(v) Require compensation for lost wages, benefits, and other remuneration; and

(vi) Assess reasonable attorney's fees and other litigation expenses against:

1. The provider, if the employee prevails; or

2. The employee, if the court determines that the action was brought by the employee in bad faith and without basis in law or fact.

(6) A provider shall:

(i) Conspicuously display notices of its employee protections under this subsection; and

(ii) Use appropriate means to inform its employees of the protections and obligations provided under this subsection.

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